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STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE BOARD OF
)	MEDICAL EXAMINERS
MICHAEL SANDERS WYSOR, M.D.)	
RESPONDENT)	CASE NO. 2005004191
)	
GRAY, TENNESSEE)	
TENNESSEE LICENSE # 25940)	

CONSENT ORDER

Comes now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter referred to as the “Division”), by and through the Office of General Counsel, and Respondent Michael Sanders Wysor, M.D. (hereinafter referred to as the “Respondent”), and respectfully move the Tennessee Board of Medical Examiners (hereinafter referred to as the “Board”) for approval of this Consent Order affecting Respondent’s medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter referred to as “TENN. CODE ANN. §”) 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.*

or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation of Rules and Regulations of the State of Tennessee (hereinafter referred to as “O.C.R.R.S.T.”)

STIPULATIONS OF FACT

1. Respondent Michael Sanders Wysor, M.D., by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter.
2. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.
3. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 25940 by the Board, on September 8, 1994.
4. On or about December 9, 2004, before the Board of Medicine, Commonwealth of Virginia (hereinafter referred to as “Virginia Board”), the Respondent’s license to practice medicine in that state was reprimanded as a result of the following Findings of Fact and Conclusions of Law.

5. Michael Sanders Wysor, M.D., was issued license number 0101-228339 by the Board to practice medicine and surgery in the Commonwealth of Virginia on September 28, 2000. Said license is currently active, and will expire on May 31, 2006.
6. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(6), (8), (11) and (13) of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that on multiple occasions from in or about June 2001 through in or about July 2001, while serving as Medical Director of A New Image Weight Loss Clinic, Abingdon, Virginia ("Virginia Clinic"), he aided and abetted the unlicensed practice of the healing arts. Specifically, in Dr. Wysor's absence, he permitted individuals not licensed by any board of the Virginia Department of Health Professions ("DHP") to examine patients, administer injections of Vitamin B-12, dispense multi-vitamins and sell and dispense Schedule III and IV controlled substances for the purpose of weight reduction or control.
7. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11) and (12), Section 54.1-2914.B, Section 54.1-3302, Section 54.1-3310, Section 54.1-3408 and Section 54.1-3408.01 of the Code, in that from in or about June 2001 through in or about July 2001, he prescribed, sold, dispensed and stored controlled substances inconsistent with Virginia law. Specifically:
 - a. Dr. Wysor admitted that he was aware that the Virginia Clinic was using his DEA registration number for the purchase, dispensing and subsequent selling of controlled substances without a license issued by the Virginia Board of Pharmacy.

- b. Dr. Wysor pre-signed blank prescription forms for Schedule III and IV controlled substances for use by office staff at their discretion.
 - c. Dr. Wysor failed to include his name, address and telephone number on prescription forms.
 - d. Dr. Wysor failed to include two (2) boxes labeled “Voluntary Formulary Permitted” and “Dispense as Written” on his prescription forms.
8. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(8) and (11) of the Code, in that on or about July 11, 2001, during the execution of a search warrant for Dr. Wysor’s place of employment, conducted by the Virginia State Police and Investigators for DHP, it was noted that:
- a. A “large number” of capsules, subsequently identified as Adipex (Phentermine, C-IV), were loose on a desk in a small examination room.
 - b. Numerous bottles of capsules, subsequently identified as 15mg, 30mg and 37.5mg strengths of Phentermine, were found in a metal cabinet in the hallway. The individual bottles were not labeled, and were contained in baskets. Labels under each basket read, “15mg Phentermine,” “30mg Phentermine” or “37.5mg Phentermine.” Additional sealed bottles of Phentermine 37.5mg, with the manufacturer’s labels intact, were found in the cabinet. Also found in the cabinet were unlabeled bottles of capsules over a label on the shelf reading, “Adipex 37.5mg.”
 - c. Numerous insulin syringes, partially filled with a red liquid, were found on desks in the examination rooms.

9. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient A, a 75 year-old female, with a history of high blood pressure, stomach or duodenal ulcers, and a family history of heart attack, stroke and diabetes. Specifically, on or about June 21, 2001, Dr. Wysor prescribed Phentermine 37.5mg to Patient A, who weighed 147.5 pounds (67kg) upon initial presentation to the Virginia Clinic. Dr. Wysor failed to perform and record a comprehensive history, to include a medical or drug history; failed to provide information to the patient about the benefits and risks of the drug being prescribed; and failed to perform an appropriate physical examination of the patient, to include an interpreted electrocardiogram. Said prescribing was without medical indication and contrary to sound medical judgment.
10. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient B, a 42 year-old female, with a personal and family history of high blood pressure. Specifically:
 - a. On or about May 10, 2001, Patient B, who weighed 186.25 pounds (85kg), stood 64 inches (1.63m) and had a Body Mass Index ("BMI") of 32kg/m², presented to A New Image Weight Loss Clinic, Tennessee ("Tennessee Clinic"), and was prescribed Phentermine 30mg.

- b. On or about June 14, 2001, Patient B presented to the Virginia Clinic, and Dr. Wysor prescribed Phentermine 37.5mg to Patient B without medical indication and contrary to sound medical judgment. Specifically, Dr. Wysor failed to perform and record a comprehensive history, to include a medical or drug history; failed to provide information to the patient about the benefits and risks of the drug being prescribed; and failed to perform an appropriate physical examination of the patient, to include an interpreted electrocardiogram. Further, Dr. Wysor failed to document the medical indication for increasing the strength of Phentermine from 30mg to 37.5mg.
- 11. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient C, a 38 year-old female. Specifically:
 - a. On or about February 1, 2000, Patient C, who weighed 239 pounds (109kg), stood 67 inches (1.70m) and had a BMI of 38kg/m², presented to the Tennessee Clinic and was prescribed Phentermine 30mg. Patient C continued to be seen at the Tennessee Clinic through on or about February 16, 2001. During this period, Patient C received a total of nine prescriptions for Phentermine 30mg, and one prescription for Xenical (Orlistat, C-VI) 120mg. Phentermine and Xenical are anorectics, indicated as a short-term (a few weeks) adjunct in a regimen of weight reduction based on exercise, behavioral modification and calorie restriction in the management of exogenous obesity. Patient C's weight fluctuated from a low of

233 pounds (106kg) on or about February 23, 2000, to a high of 250 pounds (114kg) on or about February 16, 2001; yet progress notes frequently stated that Patient C was “doing well” on the medication.

- b. On or about June 15, 2001, under Dr. Wysor’s supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient C without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.
12. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(8) and (11), in that he failed to manage properly the care and treatment of Patient D, a 54 year-old female. Specifically, on or about February 17, 2000, Patient D, who weighed 138.5 pounds (63kg), stood 64.5 inches (1.63m) and had a BMI of 23kg/m², presented to the Tennessee Clinic, and was prescribed Phentermine 15mg. Patient D continued to be seen at the Tennessee Clinic through on or about June 4, 2001. Phentermine 15mg was prescribed twice for Patient D. Phentermine is indicated in the management of exogenous obesity for patients with an initial body mass index of $\geq 30\text{kg/m}^2$, or $\geq 27\text{kg/m}^2$ in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia). A 1000-calorie diet was prescribed for Patient D, without first determining her nutritional needs, and Patient D was encouraged to continue taking Phentermine and continue dieting, despite symptoms of nervousness,

inability to sleep well, dizzy spells, feelings of faintness, night sweats, hot flashes and fluid retention. Further, a progress note on or about April 27, 2000 states that Patient D “doesn’t always eat enough.”

13. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board’s General Regulations, in that he failed to manage properly the care and treatment of Patient E, a 57 year-old female, with a history of thyroid disease, high blood pressure and nervous breakdown. Specifically:

- a. On or about March 2, 2000, Patient E, who weighed 181 pounds (82kg), stood 64 inches (1.63m) and had a BMI of 31kg/m², presented to the Tennessee Clinic, and was prescribed Phentermine 30mg. Patient E continued to be seen at the Tennessee Clinic through on or about May 17, 2001. During this period, Patient E received five prescriptions for Phentermine 30mg. Phentermine is indicated as a short-term (a few weeks) adjunct in a regimen of weight reduction based on exercise, behavioral modification and calorie restriction in the management of exogenous obesity. Patient E’s weight fluctuated from a low of 175 pounds (80kg) on or about June 29, 2000, to a high of 191 pounds (87kg) on or about January 8, 2001; yet progress notes frequently stated that Patient E was “doing well” or “doing good” on the medication.
- b. On or about June 28, 2001, under Dr. Wysor’s supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient E without medical indication and contrary to sound medical

judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.

14. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient F, a 42 year-old female. Specifically, on or about June 28, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 15mg was prescribed for Patient F, who weighed 187 pounds (85kg), stood 68 inches (1.73m) and had a BMI of 28kg/m², without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed. Phentermine is indicated in the management of exogenous obesity for patients with an initial body mass index of = 30kg/m², or = 27kg/m² in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia).
15. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that

he failed to manage properly the care and treatment of Patient G, a 24 year-old female, with a personal history of diabetes, stomach or duodenal ulcers, gallbladder stones or disease and eating disorder, and a family history of high blood pressure. Specifically:

- a. On or about November 9, 2000, Patient G, who weighed 248.5 pounds (113kg), stood 60 inches (1.52m) and had a BMI of 49kg/m², presented to the Tennessee Clinic, and Dr. Wysor prescribed Phentermine 30mg, without obtaining a comprehensive history or physical examination. On or about April 9, 2001, Patient G was given a prescription for Phentermine 37.5mg; however, there was no documentation of the medical indication for the increased strength.
 - b. On or about June 14, 2001, under Dr. Wysor's supervision and control, or at Dr. Wysor's direction as Medical Director of the Virginia Clinic, Phentermine 37.5mg was prescribed to Patient G without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.
16. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient H, a 44 year-old female. Specifically, on or about July 3, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 15mg was prescribed

to Patient H, who weighed 205.5 pounds (93kg), without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.

17. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient I, a 27 year-old male. Specifically, on or about July 5, 2001, Dr. Wysor prescribed Phentermine 37.5mg to Patient I, who weighed 178.75 pounds (93kg) upon initial presentation to the Virginia Clinic. Dr. Wysor failed to perform and record a comprehensive history, to include a medical or drug history; failed to provide information to the patient about the benefits and risks of the drug being prescribed; and to perform an appropriate physical examination of the patient, to include an interpreted electrocardiogram. Said prescribing was without medical indication and contrary to sound medical judgment.
18. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient J, a 27 year-old female. Specifically, on or about June 28, 2001, Dr. Wysor prescribed Phentermine 15mg to Patient J, who weighed 438 pounds (199kg). Dr. Wysor failed to perform and record a

comprehensive history, to include a medical or drug history; failed to provide information to the patient about the benefits and risks of the drug being prescribed; and to perform an appropriate physical examination of the patient, to include an interpreted electrocardiogram. Said prescribing was without medical indication and contrary to sound medical judgment.

19. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient K, a 24 year-old female. Specifically, on or about June 20, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient K, who weighed 145.75 pounds (66kg), stood 65 inches (1.65m) and had a BMI of 24kg/m², without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed. Phentermine is indicated in the management of exogenous obesity for patients with an initial body mass index of = 30kg/m², or = 27kg/m² in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia).
20. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that

he failed to manage properly the care and treatment of Patient L, a 30 year-old female, with a history of heart murmur. Specifically:

- a. On or about April 19, 2001, Patient L, who weighed 312 pounds (142kg), stood 70 inches (1.78m) and had a BMI of 45kg/m², presented to the Tennessee Clinic, and was prescribed Phentermine 30mg.
- b. On or about June 28, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 37.5mg was prescribed to Patient L without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed. Further, there was no documentation of the medical indication for the increased strength.

21. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient M, a 37 year-old female. Specifically:

- a. On or about January 25, 2001, Patient M, who weighed 204 pounds (93kg), stood 63 inches (1.60m) and had a BMI of 36kg/m², presented to the Tennessee Clinic, and was prescribed Phentermine 30mg.

- b. On or about July 3, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient M without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.
22. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient N, a 44 year-old female. Specifically, on or about July 5, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient N, who weighed 217.75 pounds (99kg), without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed.
23. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that

he failed to manage properly the care and treatment of Patient O, a 48 year-old female. Specifically:

- a. On or about May 4, 2001, Patient O, who weighed 151.5 pounds (69kg), stood 66 inches (1.68m) and had a BMI of 25kg/m^2 , presented to the Tennessee Clinic, and was prescribed Phentermine 15mg. Phentermine is indicated in the management of exogenous obesity for patients with an initial body mass index of $\geq 30\text{kg/m}^2$, or $\geq 27\text{kg/m}^2$ in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia).
 - b. On or about June 28, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient O without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed. Further, there was no documentation of the medical indication for the increased strength.
24. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient P, a 22 year-old female. Specifically, on or about June 20, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg and

Phentermine 37.5mg were prescribed to Patient P, who weighed 171.75 pounds (78kg), without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed.

25. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient Q, a 35 year-old female, with a family history of high blood pressure. Specifically, on or about June 21, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 37.5mg was prescribed to Patient Q, who weighed 142 pounds (65kg), stood 64 inches (1.63m) and had a BMI of 24kg/m², without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed. Phentermine is indicated in the management of exogenous obesity for patients with an initial body mass index of $\geq 30\text{kg/m}^2$, or $\geq 27\text{kg/m}^2$ in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia).
26. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section

54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient R, a 52 year-old male. Specifically:

- a. On or about March 16, 2000, Patient R, who weighed 174 pounds (79kg), stood 66 inches (1.68m) and had a BMI of 28kg/m^2 , presented to the Tennessee Clinic, and was prescribed Phentermine 30mg. Patient R received a second prescription of Phentermine 30mg on or about April 19, 2000, then treatment was discontinued until on or about September 19, 2000. From on or about September 19, 2000, through on or about May 31, 2001, Patient R received six prescriptions for Phentermine, and a net weight loss of three pounds was documented. It was also documented numerous times that Patient R was "doing well" or "doing good." Phentermine is indicated as a short-term (a few weeks) adjunct in a regimen of weight reduction based on exercise, behavioral modification and calorie restriction in the management of exogenous obesity for patients with an initial body mass index of $\geq 30\text{kg/m}^2$, or $\geq 27\text{kg/m}^2$ in the presence of other risk factors (e.g., hypertension, diabetes, hyperlipidemia). Further, the strength of Phentermine prescribed to Patient R was increased from 30mg to 37.5mg on or about February 26, 2001, but no medical indication was documented to support this increase.
- b. On or about July 2, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 37.5mg was prescribed to Patient R without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug

history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed. Further, Patient R's weight was not documented at this visit. Instead, the medical record states the patient "[d]idn't want weight," and that the patient was "[d]oing well."

27. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient S, a 55 year-old male, with a history of high blood pressure, easy bleeding and blood clots in legs, and a family history of heart problems. Specifically:

- a. On or about July 3, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient S, who weighed 205.5 pounds (93kg), without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.

- b. Patient S's medical record documents a blood pressure reading on or about July 3, 2001; however, during an interview with a Senior Investigator for DHP, Patient S stated that no one in the practice measured his blood pressure on that date.
28. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient T, a 57 year-old female, with a family history of diabetes, thyroid disease, high blood pressure and high cholesterol, and a family history of diabetes and high blood pressure. Specifically, on or about June 29, 2001, under Dr. Wysor's supervision and control, or at his direction, as Medical Director of the Virginia Clinic, Phentermine 30mg was prescribed to Patient T, who weighed 231 pounds (105kg), stood 60 inches (1.52m) and had a BMI of 45kg/m², without medical indication and contrary to sound medical judgment. A comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination, to include an interpreted electrocardiogram, was not performed.
29. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), (12) and (13), and Section 54.1-3303 of the Code, and 18 VAC 85-20-90 of the Board's General Regulations, in that he failed to manage properly the care and treatment of Patient U, a 50 year-old female. Specifically:

- a. On or about February 23, 2000, Patient U, who weighed 228 pounds (104kg), presented to the Tennessee Clinic, and was prescribed Phentermine 37.5mg. Patient U continued to be seen at the Tennessee Clinic through on or about June 7, 2001. During this period, Patient U received twenty prescriptions for Phentermine 37.5mg. Phentermine is indicated as a short-term (a few weeks) adjunct in a regimen of weight reduction based on exercise, behavioral modification and calorie restriction in the management of exogenous obesity. Patient U's weight fluctuated from a low of 220.5 pounds (100kg) on or about March 16, 2000, to a high of 240 pounds (109kg) on or about March 22, 2001; yet progress notes frequently stated that Patient U was "doing well" on the medication.
 - b. On or about July 2, 2001, under Dr. Wysor's supervision or control, or at his direction, as Medical Director of the Virginia Clinic, Didrex (Benzphetamine Hydrochloride, C-III) was prescribed to Patient U without medical indication and contrary to sound medical judgment. Specifically, a comprehensive history, to include a medical or drug history, was not performed and recorded; information regarding the benefits and risks of the drug being prescribed was not provided to the patient; and an appropriate physical examination of the patient, to include an interpreted electrocardiogram, was not performed.
30. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(8), (11) and (13), and 18 VAC 85-20-90 of the Board's General Regulations, in that on multiple occasions from on or about June 14, 2001, through on or about July 11, 2001, under Dr. Wysor's supervision and control,

or at his direction, as Medical Director of the Virginia Clinic, 1000-calorie diets were prescribed for Patients A, B, C, E, F, G, H, J, K, L, M, N, O, P, Q, R, T and U, without first determining their nutritional needs; and 1500-calorie diets were prescribed for Patients I, J, R and S, without first determining their nutritional needs. Further, there was no documentation of the medical indication for changing Patients J and R from 1500-calorie diets for 1000-calorie diets. Exercise programs for weight loss were not prescribed and recorded for Patients A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T and U. Anorectic drugs for the purpose of weight reduction or control were prescribed to these patients at the Virginia Clinic.

31. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(8), (11) and (13), and 18 VAC 85-20-90 of the Board's General Regulations, in that on multiple occasions from on or about June 14, 2001, through on or about July 11, 2001, tests necessary to monitor potential adverse effects of drug therapy were not performed or arranged for Patients A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T and U. Anorectic drugs for the purpose of weight reduction or control were prescribed to these patients at the Virginia Clinic.
32. Dr. Wysor violated Sections 54.1-2915(4) and (3) [*formerly Sections 54.1-2915.A(4) and (3)*], as further defined in Sections 54.1-2914.A(3), (8), (11), and (12), and Section 54.1-3303 of the Code, in that on multiple occasions from on or about June 14, 2001, through on or about July 11, 2001, Dr. Wysor authorized or allowed individuals unlicensed by any board of DHP to administer injections of Vitamin B-12 to Patients A, B, C, D, E, F, G, I, J, K, L, M, N, O, P, Q, R, T and U without proper medical indication.

33. A review of patient care by the Committee did not indicate any patient harm resulting from the prescribing or dispensing of controlled substances.
34. Dr. Wysor stated to the Committee that during the time he was involved with the Virginia Clinic he was considerably stressed with significant family health issues and that he may have been inattentive to the specific activities of the practice, including those that were inappropriate. Dr. Wysor also stated that he has not practiced in Virginia since approximately August 2002. Further, Dr. Wysor reported that he has no future plans to practice in Virginia. He plans to continue practicing bariatric medicine in Tennessee, and to extend his practice to include general medicine.

GROUND'S FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.* and *O.C.R.R.S.T.*) for which disciplinary action before and by the Board is authorized:

35. The facts in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34, *supra*, constitute grounds for disciplinary action against Respondent's license to practice medicine as a medical doctor in the State of Tennessee pursuant to the Tennessee Medical Practice Act which authorizes disciplinary action against a Respondent for disciplinary action against a person licensed to practice medicine by another state or territory of the United States for any acts or

omissions which would constitute grounds for discipline of a person licensed in this state.

TENN. CODE ANN. § 63-6-214(b)(20).

POLICY STATEMENT

The Tennessee Board of Medical Examiners takes the following action in order to protect the health, safety and welfare of the citizens of the State of Tennessee.

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

36. Respondent's license to practice medicine in the State of Tennessee, license number 25940, is hereby subject to the following terms and conditions for a period of time to run concurrently with the Virginia Board Order.
37. The Tennessee medical license of Michael Sanders Wysor, M.D., license number 25940, is hereby **REPRIMANDED**.
38. Respondent shall obtain and complete, within either two (2) years from the effective date of this Consent Order or within the previous twelve (12) month period prior to the effective date of this Consent Order, twenty-five (25) hours of Category I, American Medical Association (hereinafter referred to as "AMA") approved continuing education (hereinafter referred to as "CE") in the area of general medicine, ten (10) hours of Category I, AMA approved CE in the area of medical recordkeeping, in addition to the CE required of all licensed physicians. Respondent shall obtain and complete said additional thirty-five (35) CE hours within two (2) years from the effective date of this Consent Order. Prior to obtaining the CE, such CE shall be face-to-face, interactive (no home-study, journal, audiotape or Internet courses, and shall be approved in advance of registration by the Executive Director of the Virginia Board. Within two (2) years from the effective date of this Consent Order, Respondent shall submit proof of completion of said additional thirty-five (35) CE hours to the Tennessee Board of Medical Examiners.
39. Any violation of the Virginia Board Order shall constitute a violation of this Consent Order and shall be justification for further disciplinary action by the Board.

40. Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order.
41. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

This **CONSENT ORDER** was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this _____ day of _____, 2005.

Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:

Michael Sanders Wysor, M.D.
Respondent
Tennessee License Number 25940
1171 First Street
Gray, Tennessee 37615-2311

DATE

Thomas M. Miller, B.P.R. 022937
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
Snodgrass Tennessee Tower, 26th Floor
312 Eighth Avenue North
Nashville, Tennessee 37243
(615) 741-1611

DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Michael Sanders Wysor, M.D., 1171 First Street, Gray, Tennessee 37615-2311 and MountCastle Medical Care, PLLC, 5400 Fort Henry Drive, Kingsport, Tennessee 37663, by delivering same in the United States Mail, Certified Numbers **7004 1350 0000 2776 1490 and 7004 1350 0000 2776 1506**, return receipt requested, with sufficient postage thereon to reach its destination.

This 21st day of July, 2005.

Thomas M. Miller
Assistant General Counsel
Tennessee Department of Health